

Senate File 249 - Introduced

SENATE FILE 249

BY JOCHUM

A BILL FOR

1 An Act relating to recycling by repealing beverage container
2 control laws, creating universal recycling requirements,
3 increasing littering fines, changing waste volume reduction
4 goals, implementing a recycling fee, making appropriations,
5 and making penalties applicable.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

BOTTLE BILL REPEAL

1
2
3 Section 1. Section 123.24, subsection 5, Code 2011, is
4 amended to read as follows:

5 5. Notwithstanding subsection 4, the division shall assess
6 a bottle surcharge to be included in the price of alcoholic
7 liquor in an amount sufficient, ~~when added to the amount not~~
8 ~~refunded to class "E" liquor control licensees pursuant to~~
9 ~~section 455C.2,~~ to pay the costs incurred by the division for
10 collecting and properly disposing of the liquor containers.
11 The amount collected pursuant to this subsection, ~~in addition~~
12 ~~to any amounts not refunded to class "E" liquor control~~
13 ~~licensees pursuant to section 455C.2,~~ shall be deposited in the
14 beer and liquor control fund established under section 123.53.

15 Sec. 2. Section 123.26, Code 2011, is amended to read as
16 follows:

17 **123.26 Restrictions on sales — seals — labeling.**

18 Alcoholic liquor shall not be sold by a class "E" liquor
19 control licensee except in a sealed container with identifying
20 markers as prescribed by the administrator and affixed in the
21 manner prescribed by the administrator, and no such container
22 shall be opened upon the premises of a state warehouse. ~~The~~
23 ~~division shall cooperate with the department of natural~~
24 ~~resources so that only one identifying marker or mark is needed~~
25 ~~to satisfy the requirements of this section and section 455C.5,~~
26 ~~subsection 1.~~ Possession of alcoholic liquors which do not
27 carry the prescribed identifying markers is a violation of this
28 chapter except as provided in section 123.22.

29 Sec. 3. Section 123.187, subsection 4, paragraph b, Code
30 2011, is amended by striking the paragraph.

31 Sec. 4. Section 423.6, subsection 3, paragraph a, Code 2011,
32 is amended to read as follows:

33 a. Any tangible personal property including containers which
34 it is intended shall, by means of fabrication, compounding,
35 manufacturing, or germination, become an integral part of other

1 tangible personal property intended to be sold ultimately at
2 retail, ~~and containers used in the collection, recovery, or~~
3 ~~return of empty beverage containers subject to chapter 455C.~~

4 Sec. 5. Section 455A.4, subsection 1, paragraph b, Code
5 2011, is amended to read as follows:

6 b. Provide overall supervision, direction, and coordination
7 of functions to be administered by the administrators under
8 chapters 321G, 321I, 455B, ~~455C~~, 456, 456A, 456B, 457A, 458A,
9 459, 459A, 459B, 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
10 483A, 484A, and 484B.

11 Sec. 6. Section 455A.6, subsection 6, paragraphs a, b, and
12 d, Code 2011, are amended to read as follows:

13 a. Establish policy for the department and adopt rules,
14 pursuant to chapter 17A, necessary to provide for the effective
15 administration of chapter 455B, ~~455C~~, or 459.

16 b. Hear appeals in contested cases pursuant to chapter 17A
17 on matters relating to actions taken by the director under
18 chapter ~~455C~~, 458A, 464B, or 473.

19 d. Approve the budget request prepared by the director
20 for the programs authorized by chapters 455B, ~~455C~~, 455E,
21 455F, 455H, and 459, subchapters II and III. The commission
22 shall approve the budget request prepared by the director for
23 programs subject to the rulemaking authority of the commission.
24 The commission may increase, decrease, or strike any item
25 within the department budget request for the specified programs
26 before granting approval.

27 Sec. 7. Section 455B.313, subsection 1, Code 2011, is
28 amended to read as follows:

29 1. A distributor ~~as defined in section 455C.1, subsection~~
30 ~~9~~, shall not sell or offer to sell any beverage container
31 if the beverage container is connected to another beverage
32 container by a device constructed of a material which is
33 not biodegradable or photodegradable. For purposes of this
34 section, "distributor" means any person who engages in the sale
35 of beverages in beverage containers to a dealer in this state,

1 including any manufacturer who engages in such sales.

2 Sec. 8. REPEAL. Chapter 455C, Code 2011, is repealed.

3

DIVISION II

4

UNIVERSAL RECYCLING

5 Sec. 9. Section 455B.301, subsections 3 and 4, Code 2011,
6 are amended by striking the subsections and inserting in lieu
7 thereof the following:

8 3. "*Beverage*" includes but is not limited to wine, alcoholic
9 liquor, and beer, all as defined in section 123.3, and any
10 nonalcoholic carbonated or noncarbonated drinks, excluding
11 grade "A" milk and milk products as specified in the grade "A"
12 pasteurized milk ordinance, as provided in section 192.102, in
13 liquid form and intended for human consumption. "*Beverage*" does
14 not include any of the following:

15 a. A liquid that is any of the following:

16 (1) A syrup.

17 (2) In a concentrated form.

18 (3) Typically added as a minor flavoring ingredient in
19 food or drink, such as extracts, cooking additives, sauces, or
20 condiments.

21 b. A liquid that is ingested in very small quantities and
22 consumed for medicinal purposes only.

23 c. A liquid that is designated and consumed only as a
24 nutritional supplement, as defined by the department, and not
25 as a beverage.

26 d. Products frozen at the time of sale to the consumer,
27 or, in the case of institutional users such as hospitals and
28 nursing homes, at a time of sale to such users.

29 e. Products designed to be consumed in a frozen state.

30 f. Instant drink powders.

31 g. Seafood, meat, or vegetable broths or soups but not
32 juices.

33 h. Farm-produced apple cider that has not been heated,
34 pasteurized, or otherwise processed.

35 i. Infant formula.

1 4. "*Beverage container*" means any bottle, can, jar, or
2 other container made of glass, metal, or plastic containing a
3 beverage which has been sealed by a manufacturer. "*Beverage*
4 *container*" for noncarbonated drinks, excluding alcoholic
5 liquor, wine, and fruit juices and drinks, includes only
6 those containers with a maximum capacity of not more than two
7 liters and not less than one hundred forty-seven milliliters.
8 "*Beverage containers*" made of high-density polyethylene for
9 fruit juices and drinks includes only those containers with a
10 maximum capacity of less than one-half gallon.

11 Sec. 10. Section 455B.301, Code 2011, is amended by adding
12 the following new subsections:

13 NEW SUBSECTION. 4A. "*Beverage manufacturer*" means a person
14 who bottles, cans, or otherwise fills beverage containers for
15 sale to distributors or dealers.

16 NEW SUBSECTION. 7A. "*Dealer*" means a person who engages in
17 the sale of beverages in beverage containers to a consumer.

18 NEW SUBSECTION. 8A. "*Distributor*" means a person who
19 engages in the sale of beverages in beverage containers to a
20 dealer in this state, including a beverage manufacturer who
21 engages in such sales.

22 NEW SUBSECTION. 13A. "*On-premises sale*" means a sales
23 transaction in which a beverage in a beverage container is
24 purchased by a consumer for immediate consumption within the
25 area under the control of the dealer.

26 NEW SUBSECTION. 18A. "*Recyclable material*" means any
27 material or group of materials that can be collected and sold
28 or used for recycling purposes. Beginning July 1, 2016,
29 "*recyclable material*" shall include all organic waste.

30 NEW SUBSECTION. 22A. "*Single stream recycling*" means
31 a system in which recyclable material is commingled for
32 collection into one container instead of being sorted into
33 separate commodities.

34 NEW SUBSECTION. 23A. "*Source-separated recycling*" means
35 a system in which recyclable material is segregated at the

1 point of generation and kept apart from the waste stream by the
2 generator of the recyclable material for purposes of collection
3 and recycling.

4 Sec. 11. Section 455B.304, Code 2011, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 20. The commission shall adopt rules
7 necessary for the administration of sections 455B.321 through
8 455B.324.

9 Sec. 12. Section 455B.306, subsection 1, paragraph a, Code
10 2011, is amended to read as follows:

11 a. All cities and counties shall also file with the director
12 a comprehensive plan detailing the method by which the city or
13 county will comply with the requirements of section 455B.302 to
14 establish and implement a comprehensive solid waste reduction
15 program for its residents and with the requirements of section
16 455B.321.

17 Sec. 13. Section 455B.306, subsection 5, paragraph a, Code
18 2011, is amended to read as follows:

19 a. The extent to which solid waste is or can be recycled
20 through compliance with the requirements of section 455B.321 as
21 well as any other method.

22 Sec. 14. Section 455B.306, subsection 6, Code 2011, is
23 amended to read as follows:

24 6. The comprehensive plan shall provide details of ~~a local~~
25 ~~recycling program which shall contain a methodology for meeting~~
26 ~~the state volume reduction goal pursuant to section 455D.3,~~
27 ~~and a methodology for implementing a program of separation of~~
28 ~~wastes including but not limited to glass, plastic, paper, and~~
29 ~~metal~~ compliance with the requirements of section 455B.321.

30 Sec. 15. NEW SECTION. 455B.321 **Universal recycling.**

31 1. Beginning July 1, 2012, cities, counties, and public and
32 private agencies responsible for waste management shall provide
33 all of the following services:

34 a. Single stream recycling collection services to all
35 single-family residential customers, including the delivery

1 of a container for the purpose of storage and collection of
2 recyclable material that is adequately sized for the customers
3 to use so that recycling is encouraged and disposal of
4 recyclable material is discouraged. The collection services
5 required under this paragraph shall be provided at a frequency
6 of not less than once every other week.

7 *b.* Source-separated recycling collection services to all
8 dealers providing on-premises sales, including the delivery
9 of a container for recyclable material that is adequately
10 sized for the premises being served. The collection services
11 required under this paragraph shall be provided at a frequency
12 that shall preclude the recycling containers from overflowing
13 and otherwise causing a nuisance.

14 2. *a.* Beginning July 1, 2014, cities, counties, and public
15 and private agencies responsible for waste management shall
16 provide single stream recycling collection services to all
17 multifamily residential customers, including providing the
18 multifamily residential complex with an appropriately sized and
19 centrally located recyclable material collection container for
20 the complex being served which is in the same vicinity as the
21 complex's waste disposal containers. The collection services
22 required under this subsection shall be provided at a frequency
23 that shall preclude the recycling containers from overflowing
24 and otherwise causing a nuisance.

25 *b.* The director may approve a waiver from the requirements
26 of paragraph "a" if the waiver applicant can demonstrate
27 physical constraints preventing the placement of solid waste
28 and recyclable material collection containers at the same
29 location.

30 *c.* Owners of a multifamily residential complex shall, at
31 least once per calendar year, provide residents of the complex
32 with instructions on participating in the complex's recycling
33 program.

34 3. By July 1, 2012, the department shall submit a report
35 to the governor and the general assembly regarding the

1 implementation of mandatory recycling collection requirements
2 for the commercial sector. The recommendations shall provide a
3 method for engaging the active participation of the commercial
4 sector in a comprehensive recycling program by not later than
5 July 1, 2014.

6 4. A person engaging in the collection, transportation,
7 processing, or marketing of recyclable materials from
8 source-separated recycling shall conduct such activities in a
9 manner that recyclable materials enter the marketplace and are
10 not otherwise disposed at a landfill or by incineration.

11 Sec. 16. NEW SECTION. 455B.322 **Universal recycling**
12 **assistance program.**

13 The department shall establish and administer a universal
14 recycling assistance program for purposes of providing
15 financial assistance to cities, counties, and public and
16 private entities for the initial implementation costs
17 associated with the requirements of section 455B.321.
18 Financial assistance shall take the form of grants and low
19 interest loans.

20 Sec. 17. NEW SECTION. 455B.323 **Universal recycling**
21 **assistance fund.**

22 1. A universal recycling assistance fund is created in the
23 state treasury under the control of the department consisting
24 of moneys deposited in the fund pursuant to section 455B.324,
25 moneys appropriated by the general assembly, and any other
26 money available to and obtained or accepted by the department
27 for placement in the fund.

28 2. Payments of interest, repayments of moneys loaned
29 pursuant to this section, and recaptures of loans shall be
30 deposited in the fund.

31 3. Moneys in the fund are appropriated to the department for
32 purposes of providing financial assistance under the universal
33 recycling assistance program pursuant to section 455B.322.

34 4. Moneys credited to the fund are not subject to section
35 8.33. Notwithstanding section 12C.7, interest or earnings on

1 moneys in the fund shall be credited to the fund.

2 Sec. 18. NEW SECTION. **455B.324 Recycling fee — future**
3 **repeal.**

4 1. A recycling fee of four cents shall be paid by a dealer
5 to the distributor on each beverage container received by
6 the dealer. On a monthly basis and in a manner determined
7 by the department, a distributor shall remit all such fees
8 collected by the distributor to the department for deposit in
9 the universal recycling assistance fund created in section
10 455B.323. The remitted fees shall be accompanied by a report
11 verifying the units sold during the previous month as well as
12 any other information required by the department.

13 2. This section is repealed June 30, 2015.

14 Sec. 19. NEW SECTION. **455B.325 Recycling public advisory**
15 **council.**

16 1. A recycling public advisory council is established
17 within the department. The department shall provide the
18 council with staff and administrative support. The council
19 shall consist of all of the following members:

20 *a.* The director of the department of natural resources, or
21 the director's designee, who shall serve as the chairperson of
22 the council.

23 *b.* One member representing county government.

24 *c.* One member representing city government.

25 *d.* One member representing the recycling industry.

26 *e.* One member representing the waste hauling industry.

27 *f.* One member representing the soft drink industry.

28 *g.* One member representing the alcoholic beverage industry.

29 *h.* One member representing a local chamber of commerce.

30 *i.* One member representing the restaurant industry.

31 *j.* One member representing the food industry.

32 *k.* Five members of the general public.

33 2. Except for the member named pursuant to subsection 1,
34 paragraph "a", all members of the council shall be appointed by
35 the governor and shall serve three-year staggered terms with

1 the initial staggering of the terms to be determined by the
2 governor. A member shall not serve more than two consecutive
3 terms. Vacancies shall be filled for the remainder of the
4 original appointment. The appointments shall coordinated to
5 meet the requirements of sections 69.16 and 69.16A.

6 3. The council shall advise the department regarding all of
7 the following issues:

8 a. Recycling issues.

9 b. Criteria for financial assistance under the universal
10 recycling assistance program pursuant to section 455B.322.

11 c. Criteria for grants from the litter cleanup grant fund
12 created in section 455B.326.

13 d. A methodology for measuring waste volume reduction.

14 e. Recycling outreach and education.

15 DIVISION III

16 LITTERING FINES — LITTER CLEANUP GRANTS

17 Sec. 20. NEW SECTION. 455B.326 Litter cleanup grant fund.

18 1. A litter cleanup grant fund is created in the state
19 treasury under the control of the department consisting of
20 moneys deposited in the fund pursuant to section 602.8108,
21 subsection 9, moneys appropriated by the general assembly, and
22 any other money available to and obtained or accepted by the
23 department for placement in the fund.

24 2. Moneys in the fund are appropriated to the department
25 for purposes of providing grants to nonprofit organizations for
26 litter cleanup activities in neighborhoods and along highways.

27 3. Moneys credited to the fund are not subject to section
28 8.33. Notwithstanding section 12C.7, interest or earnings on
29 moneys in the fund shall be credited to the fund.

30 Sec. 21. Section 602.8108, subsection 9, Code 2011, is
31 amended to read as follows:

32 9. The state court administrator shall allocate fifty one
33 hundred percent of all of the fines attributable to littering
34 citations issued pursuant to sections 321.369, 321.370, and
35 461A.43 to the treasurer of state for deposit in the general

1 fund of the state ~~and~~. Fifty percent of such moneys are
2 appropriated to the state department of transportation for
3 purposes of the cleanup of litter and illegally discarded solid
4 waste and fifty percent of such moneys are appropriated to
5 the department of natural resources for deposit in the litter
6 cleanup grant fund created in section 455B.326.

7 Sec. 22. Section 805.8A, subsection 14, paragraph d, Code
8 2011, is amended to read as follows:

9 *d. Litter and debris violations.* For violations under
10 sections 321.369 and 321.370, the scheduled fine is ~~seventy one~~
11 hundred fifty dollars.

12 Sec. 23. Section 805.8B, subsection 6, paragraph e, Code
13 2011, is amended to read as follows:

14 *e.* For violations under section 461A.43, the scheduled fine
15 is ~~thirty~~ seventy-five dollars.

16 DIVISION IV

17 WASTE REDUCTION GOALS

18 Sec. 24. Section 455B.310, subsection 4, unnumbered
19 paragraph 1, Code 2011, is amended to read as follows:

20 If a planning area achieves the ~~fifty~~ sixty percent waste
21 reduction goal provided in section 455D.3, ninety-five cents of
22 the tonnage fee shall be retained by a city, county, or public
23 or private agency. If the ~~fifty~~ sixty percent waste reduction
24 goal has not been met, one dollar and twenty cents of the
25 tonnage fee shall be retained by a city, county, or public or
26 private agency. Moneys retained by a city, county, or public
27 or private agency shall be used as follows:

28 Sec. 25. Section 455B.310, subsection 4, paragraph b, Code
29 2011, is amended to read as follows:

30 *b.* If a planning area achieves the ~~fifty~~ sixty percent waste
31 reduction goal provided in section 455D.3, forty-five cents of
32 the retained funds shall be used for implementing waste volume
33 reduction and recycling requirements of comprehensive plans
34 filed under section 455B.306. If the ~~fifty~~ sixty percent waste
35 reduction goal has not been met, seventy cents of the retained

1 funds shall be used for implementing waste volume reduction
2 and recycling requirements of comprehensive plans filed under
3 section 455B.306. The funds shall be distributed to a city,
4 county, or public agency served by the sanitary disposal
5 project. Fees collected by a private agency which provides
6 for the final disposal of solid waste shall be remitted to the
7 city, county, or public agency served by the sanitary disposal
8 project. However, if a private agency is designated to develop
9 and implement the comprehensive plan pursuant to section
10 455B.306, fees under this paragraph shall be retained by the
11 private agency.

12 Sec. 26. Section 455B.310, subsection 7, Code 2011, is
13 amended to read as follows:

14 7. Fees imposed by this section shall be paid to the
15 department on a quarterly basis with payment due by no more
16 than ninety days following the quarter during which the fees
17 were collected. The payment shall be accompanied by a return
18 which shall identify the amount of fees to be allocated to
19 the landfill alternative financial assistance program, the
20 amount of fees, in terms of cents per ton, retained for meeting
21 waste reduction and recycling goals under section 455D.3, and
22 additional fees imposed for failure to meet the ~~twenty-five~~
23 fifty percent waste reduction and recycling goal under section
24 455D.3. Sanitary landfills serving more than one planning area
25 shall submit separate reports for each planning area.

26 Sec. 27. Section 455D.3, Code 2011, is amended to read as
27 follows:

28 **455D.3 Goals for waste stream reduction — procedures —**
29 **reductions and increases in fees.**

30 1. *Year ~~1994~~ 2016 and ~~2000~~ 2021 goals.*

31 *a.* The goal of the state is to reduce the amount of
32 materials in the waste stream, existing as of July 1, ~~1988~~
33 2011, ~~twenty-five~~ fifty percent by July 1, ~~1994~~ 2016, and ~~fifty~~
34 sixty percent by July 1, ~~2000~~ 2021, through the practice of
35 waste volume reduction at the source and through recycling.

1 For the purposes of this section, "waste stream" means the
 2 disposal of solid waste as "solid waste" is defined in section
 3 455B.301.

4 b. Notwithstanding section 455D.1, subsection 6, facilities
 5 which employ combustion of solid waste with energy recovery
 6 and refuse-derived fuel, which are included in an approved
 7 comprehensive plan, may include these processes in the
 8 definition of recycling for the purpose of meeting the state
 9 goal if at least thirty-five percent of the waste reduction
 10 goal, required to be met by July 1, ~~2000~~ 2021, pursuant to
 11 this section, is met through volume reduction at the source
 12 and recycling and reuse, as established pursuant to section
 13 455B.301A, subsection 1, paragraphs "a" and "b".

14 2. *Projected waste stream — year ~~2000~~ 2021.* A planning
 15 area may request the department to allow the planning area to
 16 project the planning area's waste stream for the year ~~2000~~
 17 2021 for purposes of meeting the year ~~2000~~ fifty 2021 sixty
 18 percent waste volume reduction and recycling goals required
 19 by this section. The department shall make a determination
 20 of the eligibility to use this option based upon the annual
 21 tonnage of solid waste processed by the planning area and
 22 the population density of the area the planning area serves.
 23 If the department agrees to allow the planning area to make
 24 year ~~2000~~ 2021 waste stream projections, the planning area
 25 shall calculate the year ~~2000~~ 2021 projections and submit the
 26 projections to the department for approval. The planning area
 27 shall use data which is current as of July 1, ~~1994~~ 2011, and
 28 shall take into account population, employment, and industrial
 29 changes and documented diversions due to existing programs.
 30 The planning area shall use the departmental methodology to
 31 calculate the tonnage necessary to be diverted from landfills
 32 in order to meet the year ~~2000~~ fifty 2021 sixty percent waste
 33 volume reduction and recycling goals required by this section.
 34 Once the department approves the year ~~2000~~ 2021 projections,
 35 the projections shall not be changed prior to the year ~~2001~~

1 2022.

2 3. *Departmental monitoring.*

3 a. (1) By October 31, ~~1994~~ 2016, a planning area shall
4 submit to the department a solid waste abatement table which is
5 updated through June 30, ~~1994~~ 2016. By April 1, ~~1995~~ 2017, the
6 department shall report to the general assembly on the progress
7 that has been made by each planning area on attainment of the
8 July 1, ~~1994~~, ~~twenty-five~~ 2016, fifty percent goal.

9 (2) If at any time the department determines that a planning
10 area has met or exceeded the ~~twenty-five~~ fifty percent goal,
11 but has not met or exceeded the ~~fifty~~ sixty percent goal, a
12 planning area shall subtract sixty cents from the total amount
13 of the tonnage fee imposed pursuant to section 455B.310. If at
14 any time the department determines that a planning area has met
15 or exceeded the ~~fifty~~ sixty percent goal, a planning area shall
16 subtract fifty cents from the total amount of the tonnage fee
17 imposed pursuant to section 455B.310. The reduction in tonnage
18 fees pursuant to this paragraph shall be taken from that
19 portion of the tonnage fees which would have been allocated for
20 funding alternatives to landfills pursuant to section 455E.11,
21 subsection 2, paragraph "a", subparagraph (1).

22 (3) If the department determines that a planning area
23 has failed to meet the July 1, ~~1994~~, ~~twenty-five~~ 2016, fifty
24 percent goal, the planning area shall, at a minimum, implement
25 the solid waste management techniques as listed in subsection
26 4. Evidence of implementation of the solid waste management
27 techniques shall be documented in subsequent comprehensive
28 plans submitted to the department.

29 b. (1) By October 31, ~~2000~~ 2021, a planning area shall
30 submit to the department, a solid waste abatement table which
31 is updated through June 30, ~~2000~~ 2021. By April 1, ~~2001~~ 2022,
32 the department shall report to the general assembly on the
33 progress that has been made by each planning area on attainment
34 of the July 1, ~~2000~~, ~~fifty~~ 2021, sixty percent goal.

35 (2) If at any time the department determines that a planning

1 area has met or exceeded the ~~fifty~~ sixty percent goal, the
 2 planning area shall subtract fifty cents from the total amount
 3 of the tonnage fee imposed pursuant to section 455B.310. This
 4 amount shall be in addition to any amount subtracted pursuant
 5 to paragraph "a" of this subsection. The reduction in tonnage
 6 fees pursuant to this paragraph shall be taken from that
 7 portion of the tonnage fees which would have been allocated to
 8 funding alternatives to landfills pursuant to section 455E.11,
 9 subsection 2, paragraph "a", subparagraph (1). Except for fees
 10 required under subsection 4, paragraph "a", a planning area
 11 failing to meet the ~~fifty~~ sixty percent goal is not required to
 12 remit any additional tonnage fees to the department.

13 4. *Solid waste management techniques.* A planning area
 14 that fails to meet the ~~twenty-five~~ fifty percent goal shall
 15 implement the following solid waste management techniques:

16 a. Remit fifty cents per ton to the department, as of July
 17 1, 1995. The funds shall be deposited in the solid waste
 18 account under section 455E.11, subsection 2, paragraph "a",
 19 to be used for funding alternatives to landfills pursuant to
 20 section 455E.11, subsection 2, paragraph "a", subparagraph (1).
 21 Moneys under this paragraph shall be remitted until such time
 22 as evidence of attainment of the ~~twenty-five~~ fifty percent goal
 23 is documented in subsequent comprehensive plans submitted to
 24 the department.

25 b. Notify the public of the planning area's failure to meet
 26 the waste volume reduction goals of this section, utilizing
 27 standard language developed by the department for that purpose.

28 c. Develop draft ordinances which shall be used by local
 29 governments for establishing collection fees that are based
 30 on volume or on the number of containers used for disposal by
 31 residents.

32 d. Conduct an educational and promotional program to inform
 33 citizens of the manner and benefits of reducing, reusing, and
 34 recycling materials and the procurement of products made with
 35 recycled content. The program shall include the following:

1 (1) Targeted waste reduction and recycling education for
2 residents, including multifamily dwelling complexes having five
3 or more units.

4 (2) An intensive one-day seminar for the commercial sector
5 regarding the benefits of and opportunities for waste reduction
6 and recycling.

7 (3) Promotion of recycling through targeted community and
8 media events.

9 (4) Recycling notification and education packets to all new
10 residential, commercial, and institutional collection service
11 customers that include, at a minimum, the manner of preparation
12 of materials for collection, and the reasons for separation of
13 materials for recycling.

14 5. *Environmental management systems.* A planning area
15 designated as an environmental management system pursuant to
16 section 455J.7 is exempt from the waste stream reduction goals
17 of this section.

18 6. By November 1 of each year, the department shall submit
19 a report to the governor and the general assembly regarding the
20 progress of planning areas in meeting the waste reduction goals
21 of this section.

22 DIVISION V

23 STATE MANDATE

24 Sec. 28. IMPLEMENTATION OF ACT. Section 25B.2, subsection
25 3, shall not apply to this Act.

26 EXPLANATION

27 This bill relates to recycling by repealing beverage
28 container control laws, creating universal recycling
29 requirements, increasing littering fines, changing waste
30 volume reduction goals, implementing a recycling fee, making
31 appropriations, and making penalties applicable. The bill is
32 organized by divisions.

33 BOTTLE BILL REPEAL. This division repeals Code chapter 455C
34 relating to the control of beverage containers, more commonly
35 known as the bottle bill. The division makes conforming

1 amendments.

2 UNIVERSAL RECYCLING. This division creates mandatory
3 recycling collection requirements called universal recycling.

4 Beginning July 1, 2012, the division requires cities,
5 counties, and public and private agencies responsible for
6 waste management to provide single stream recycling collection
7 services to all single-family residential customers and
8 source-separated recycling collection services to all dealers
9 providing on-premises sales. A dealer is a person who sells
10 beverages in beverage containers. Single stream recycling
11 is a system in which recyclable material is commingled for
12 collection into one container instead of being sorted into
13 separate commodities. Source-separated recycling is a system
14 in which recyclable material is segregated at the point
15 of generation and kept apart from the waste stream by the
16 generator of the recyclable material.

17 Beginning July 1, 2014, the division requires cities,
18 counties, and public and private agencies responsible for
19 waste management to provide single stream recycling collection
20 services to all multifamily residential customers. The
21 division allows a waiver from the requirements if the waiver
22 applicant can demonstrate physical constraints preventing the
23 placement of solid waste and recyclable material collection
24 containers at the same location. The division requires
25 annual recycling instruction to be provided to residents at a
26 multifamily residential complex.

27 By July 1, 2012, the division requires the department of
28 natural resources to submit a report to the governor and the
29 general assembly regarding the implementation of mandatory
30 recycling collection requirements for the commercial sector.
31 The recommendations must provide a method for engaging
32 the active participation of the commercial sector in a
33 comprehensive recycling program by not later than July 1, 2014.

34 The division requires cities and counties to include
35 compliance with the universal recycling requirements as part of

1 the solid waste comprehensive plans filed with the department.
2 Currently, a person who knowingly makes a false statement or
3 representation in a comprehensive plan is guilty of a serious
4 misdemeanor.

5 The division requires the department to establish and
6 administer a universal recycling assistance program for
7 purposes of providing financial assistance to cities, counties,
8 and public and private entities for the initial implementation
9 costs associated with the universal recycling requirements.
10 The division creates a universal recycling assistance fund and
11 appropriates moneys in the fund to the department for providing
12 financial assistance under the program.

13 The division requires a recycling fee of 4 cents to be
14 paid by the dealer to the distributor on each beverage
15 container received by the dealer. On a monthly basis and
16 in a manner determined by the department, the division
17 requires a distributor to remit all fees collected by the
18 distributor to the department for deposit in the universal
19 recycling assistance fund. The division includes a reporting
20 requirement. The fee is repealed June 30, 2015. For purposes
21 of the bill, the term "beverage" is defined to include wine,
22 alcoholic liquor, beer, and any nonalcoholic carbonated and
23 noncarbonated drink excluding grade "A" milk and milk products
24 specified in the grade "A" milk ordinance. The term also
25 includes certain exemptions.

26 The division creates a recycling public advisory board for
27 purposes of advising the department regarding recycling issues,
28 criteria for financial assistance under the universal recycling
29 assistance program, criteria for grants from the litter cleanup
30 grant fund, a methodology for measuring waste volume reduction,
31 and recycling outreach and education.

32 The division requires the environmental protection
33 commission to adopt rules necessary for the administration of
34 the division.

35 LITTERING FINES — LITTER CLEANUP GRANTS. The division

1 increases the scheduled fines for littering and placing
2 debris on public highways from \$70 to \$150 and increases the
3 scheduled fine for littering in a state park or preserve from
4 \$30 to \$75. Currently, 50 percent of both scheduled fines
5 are deposited in the general fund and appropriated to the
6 department of transportation for purposes of litter cleanup.
7 The division provides that 100 percent of both scheduled fines
8 are to be deposited in the general fund, with 50 percent of the
9 moneys appropriated to the department of transportation for
10 litter cleanup and 50 percent appropriated to the department
11 of natural resources for deposit in the newly created litter
12 cleanup grant fund. The division creates a litter cleanup
13 grant fund to be administered by the department for purposes of
14 providing grants to nonprofit organizations for litter cleanup
15 activities in neighborhoods and along highways.

16 WASTE REDUCTION GOALS. Currently, waste stream reduction
17 goals for the state are to reduce the waste stream by 25
18 percent by July 1, 1994, and by 50 percent by July 1, 2000,
19 based on the waste stream existing as of July 1, 1988. The
20 tonnage fee paid by a planning area is, in part, determined by
21 the waste volume reduction goals that are met by the planning
22 area.

23 The division creates new waste volume reduction goals. The
24 goals are to reduce the waste stream by 50 percent by July 1,
25 2016, and by 60 percent by July 1, 2021, based on the waste
26 stream existing as of July 1, 2011. The division replaces the
27 old goal levels with the new goal levels in the computation of
28 the tonnage fees paid by planning areas.

29 STATE MANDATE. The bill may include a state mandate as
30 defined in Code section 25B.3. The division makes inapplicable
31 Code section 25B.2, subsection 3, which would relieve a
32 political subdivision from complying with a state mandate if
33 funding for the cost of the state mandate is not provided or
34 specified. Therefore, political subdivisions are required to
35 comply with any state mandate included in the bill.